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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of the Commission's)
Rules Regarding the 37.0-38.6 GHz)
and 38.6-40.0 Ghz Bands)

ET Docket No. 95-183
RM-8553

Implementation of Section 309(j))
of the Communications Act --)
Competitive Bidding, 37.0-38.6 GHz)
and 38.6-40.0 Ghz)

PP Docket No. 93-253

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**COMMENTS OF THE ASSOCIATION
FOR LOCAL TELECOMMUNICATIONS SERVICES**

The Association for Local Telecommunications Services ("ALTS") submits these comments in response to the Commission's December 15, 1995, Notice of Proposed Rulemaking ("NPRM") in the above-referenced proceeding. ALTS is the primary trade association for the competitive local exchange companies ("CLECs").

CLECs have an immediate and real need for use of the 37-39 Ghz band for the purpose of extending their fiber networks in a sensible and economical manner. Indeed, ALTS believes that a principal demand for the 37-39 Ghz band is for "last mile" distribution of broadband services. While mobile telephone infrastructure will, as the NPRM suggest, use this spectrum as well, the Commission's policies must recognize that this spectrum must also be available to CLECs.

In this regard, ALTS generally supports the Commission's

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effort to prevent warehousing of the 37-39 Ghz band by certain speculators who may be gaming the system. At the same time, ALTS strongly believes that the Commission should not, in its zeal to eliminate speculation, adopt rules that are so rigid and inflexible that the spectrum cannot be used by CLECs. Any licensing or technical rules adopted by the Commission in this proceeding should take into account the unique attributes of local exchange competition and should be flexible enough to accommodate the specific demands of CLECs.

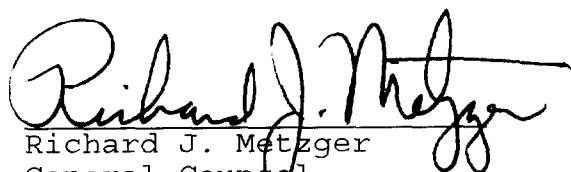
At a minimum, the Commission's rules must (a) establish channels capable of carrying DS-3 and other broadband capacities; (b) establish geographic service areas and allow CLECs the flexibility to partition their service areas to conform with the needs of the particular market in which they are competing; (c) adopt liberal technical rules to encourage innovation; (d) set forth reasonable and realistic construction requirements, including the liberal grant of extension requests when circumstances outside of a CLEC's control are present, such as where a CLEC is unable to provide service due to regulatory delay; and (e) establish safeguards to prevent incumbent LECs from obtaining all of the desirable channel blocks in a given market and to ensure an opportunity for CLECs to obtain licenses.

CONCLUSION

For the foregoing reasons, ALTS requests that the Commission's rules be flexible enough to accomodate the needs of CLECs.

Respectfully submitted,

By:

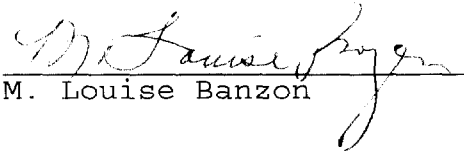


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March 4, 1996

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Comments of the Association for Local Telecommunications Services was served March 4, 1996, on the following persons by first-class mail or hand service, as indicated.


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